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**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

CHINA CENTRAL TELEVISION, a China
 company; CHINA INTERNATIONAL
 COMMUNICATIONS CO., LTD., a China
 company; TVB HOLDINGS (USA), INC., a
 California corporation; and DISH
 NETWORK L.L.C., a Colorado corporation,
 Plaintiffs,

vs.

CREATE NEW TECHNOLOGY (HK)
 LIMITED, a Hong Kong company; HUA
 YANG INTERNATIONAL TECHNOLOGY
 LIMITED, a Hong Kong company;
 SHENZHEN GREATVISION NETWORK
 TECHNOLOGY CO. LTD., a China
 company; CLUB TVPAD, INC., a California
 corporation; BENNETT WONG, an
 individual, ASHA MEDIA GROUP INC.
 d/b/a TVPAD.COM, a Florida corporation;
 AMIT BHALLA, an individual;
 NEWTPAD LTD. COMPANY d/b/a
 NEWTPAD.COM a/k/a TVPAD USA, a
 Texas corporation; LIANGZHONG ZHOU,
 an individual; HONGHUI CHEN d/b/a E-
 DIGITAL, an individual; JOHN DOE 1 d/b/a
 BETV; JOHN DOE 2 d/b/a YUE HAI; JOHN
 DOE 3 d/b/a 516; JOHN DOE 4 d/b/a HITV;
 JOHN DOE 5 d/b/a GANG YUE; JOHN
 DOE 6 d/b/a SPORT ONLINE; JOHN DOE 7
 d/b/a GANG TAI WU XIA; and JOHN DOES
 8-10,

Defendants.

Case No.
CV 15-1869 MMM (AJWx)

**PLAINTIFFS' REPLY IN
 SUPPORT OF MOTION FOR
 PRELIMINARY
 INJUNCTION;
 DECLARATION OF CARLA
 A. McCAULEY AND
 EXHIBITS A THROUGH E**

Hearing: June 8, 2015

Time: 10:00 a.m.

Courtroom: 780

Judge: Hon. Margaret M.
 Morrow

Complaint Filed: March 13, 2015

I. INTRODUCTION

On March 16, 2015, Plaintiffs China Central Television, China International Communications, Co. Ltd., TVB Holdings (USA), Inc. and DISH Network L.L.C. (collectively “Plaintiffs”) filed their Motion for Preliminary Injunction (“Motion”), setting the hearing on the motion for the first available hearing date of June 8, 2015. Notwithstanding having substantial time to prepare a response to Plaintiffs’ Motion, none of the Defendants against whom Plaintiffs seek preliminary injunctive relief—namely Defendants Create New Technology (HK) Limited (“CNT”), Asha Media Group Inc. (“Asha Media”) and ClubTVpad, Inc. (“ClubTVpad”), (collectively “Defendants”)—have filed an opposition.

The need for immediate injunctive relief persists, as all Defendants continue to promote the TVpad device and its ability to provide “free” television through applications that infringe Plaintiffs’ copyrighted programming. Every day that Defendants are allowed to sell, advertise and promote the TVpad and its pirate television network featuring Plaintiffs’ copyrighted programming is an additional day Plaintiffs suffer irreparable harm. Plaintiffs therefore request that their application for preliminary injunctive relief be granted in its totality.

II. PROCEDURAL AND FACTUAL BACKGROUND

Plaintiffs filed their Motion on March 16, 2015. The hearing on that Motion is scheduled for June 8, 2015. Declaration of Carla A. McCauley (“McCauley Decl.”) ¶ 2. Consequently, all opposition papers to the Motion were due on May 18, 2015,¹ or two months after Plaintiffs filed and served the motion on Defendants.²

¹ On March 26, 2015, Plaintiffs moved *ex parte* to advance the hearing on their Motion. Doc. No. 40. The Court has not advanced the hearing date and thus all opposition papers remained due on May 18, 2015.

² Plaintiffs personally served CNT with the Motion and Complaint on March 17, 2015. Plaintiffs mail served Asha Media and ClubTVpad with the Motion on March 17, 2015. Out of an abundance of caution, Plaintiffs repeated service of the Motion on ClubTVpad and Asha Media after confirming personal service of the complaint on both defendants, and filed an Amended Proof of Service for the Motion with the subsequent service dates on March 23, 2015. Doc. No. 34.

CNT initially sought, through its counsel, an extension of time to answer or otherwise respond to the complaint, which Plaintiffs granted. CNT then first appeared through counsel in this action on April 8, 2015, filing an opposition to Plaintiff's *ex parte* motion to advance the date of the preliminary injunction hearing. Doc. No. 50. However, on April 17, 2015, CNT's counsel moved for leave to withdraw, indicating that CNT had instructed counsel to cease work on this matter, and had terminated counsel's representation of CNT. Doc. No. 56. Thereafter, CNT failed to file any answer or otherwise respond to the complaint by its April 22, 2015 deadline. Consequently, Plaintiffs filed a Request for Default as to CNT on May 1, 2015, which request remains pending before the Court. CNT also failed to file any opposition to the pending Motion.

The other two defendants that are party to the Motion are ClubTVpad and Asha Media, both of which answered the complaint, on May 11, 2015 and April 23, 2015, respectively. Notwithstanding that ClubTVpad and Asha Media have entered appearances in this action, neither filed any opposition to the Motion.

The relevant facts pertinent to Plaintiffs' Motion are set forth in detail in the moving papers, and Plaintiffs refer the Court to their opening brief. Importantly, since the filing of the Motion in March 2015, the activity concerning which Plaintiffs seek injunctive relief continues by all three Defendants. As late as May 20, 2015, CNT (the primary manufacturer, marketer and seller of the TVpad device) through its website and Facebook page continues to actively advertise, promote and offer for sale the TVpad device and its ability to provide "free" Chinese-language television. McCauley Decl. ¶¶4-5, Exs. B and C. CNT continues to use images of infringing applications to market the TVpad4 device. *Id.* While ClubTVpad is not presently selling the TVpad device on its website, it continues to promote the TVpad device on its clubtvpad.com website, and uses images of applications known to infringe Plaintiffs' copyrighted broadcasting to do so. McCauley Decl. ¶ 6, Ex. D. Finally,

1 Asha Media continues to advertise, promote and sell the TVpad device through its
2 website and Facebook page. McCauley Decl. ¶ 7, Ex. E.

3 III. ARGUMENT

4 Defendants' failure to file any opposition to Plaintiffs' Motion merits the
5 immediate granting of Plaintiffs' Motion. According to Local Rule 7-9, Defendants'
6 opposition papers were due 21 days prior to the June 8, 2015 hearing on Plaintiffs'
7 Motion—or May 18, 2015. Notwithstanding entering appearances to either oppose
8 Plaintiffs' *ex parte* application to advance the hearing on the Motion in the case of
9 CNT, or to file answers to the complaint in the case of Asha Media and ClubTVpad,
10 none of the Defendants filed any Opposition to the Motion. Pursuant to Local Rule
11 7-12, the failure of Defendants to oppose the Motion may be deemed consent to
12 granting the Motion. Plaintiffs respectfully request that, given the detailed evidence
13 they have presented in support of their Motion, and Defendants' failure to provide
14 any response, the Motion should be granted in its entirety and Plaintiffs' requested
15 preliminary injunction entered as proposed.

16 Since the filing of Plaintiffs' Motion, new developments have occurred further
17 meriting the granting of Plaintiffs' Motion. First, in a similar proceeding involving
18 the TVpad, *Munhwa Broadcasting Co v. Create New Technology (HK) Inc.*, Case
19 No. CV 14-4213 RGK (RZx), Judge Klausner recently granted summary judgment
20 against a distribution defendant on the grounds of contributory copyright
21 infringement. McCauley Decl. Ex. A at 5, 8. Notably, in that case, which concerns
22 the same TVpad device and pirate transmission service at issue here (but different
23 copyrighted programming owned by other broadcasters), the Court held that the
24 *Munhwa* plaintiffs had presented uncontradicted evidence that TVpad users directly
25 infringed their copyrighted programs by retransmitting them through a peer-to-peer
26 network. *Id.* at 4-5. The Court held that the TVpad's utilization of a peer-to-peer
27 process constituted "retransmission" of the copyrighted broadcasts in violation of the
28 public performance right, under the Supreme Court's decision in *ABC, Inc. v. Aereo*,

1 *Inc.*, 134 S. Ct. 2498 (2014). *Id.* at 4 (“In effect, this means that TVpads receive
 2 Plaintiffs’ live content from, and *retransmit* it to, other TVpads.... Therefore,
 3 Plaintiffs have established that TVpad users directly infringe their copyrights.”).

4 The *Munhwa* Court further held that the distributor defendant in that action
 5 was liable for contributory infringement because he knowingly facilitated and
 6 induced the direct infringement of TVpad users. *Id.* at 5. Plaintiffs have made a
 7 similar showing regarding direct and contributory infringement, including substantial
 8 evidence that the TVpad device operates through a peer-to-peer network, in which
 9 TVpads retransmit copyrighted programs to other TVpad users in violation of the
 10 public performance right. *See* Memorandum in Support at 4-5, 11-14 (Doc. No. 23).
 11 Plaintiffs also have submitted substantial evidence of Defendants’ knowledge that the
 12 TVpad is used for direct infringement, and their active promotion and encouragement
 13 of, and provision of assistance in, the direct infringement of Plaintiffs’ copyrighted
 14 works by others, including by pre-loading applications known to infringe. *Id.* at 4-9,
 15 16-19, 21. Plaintiffs submit that, in light of Judge Klausner’s recent opinion on
 16 similar facts, Plaintiffs have met their burden of showing likelihood of success on the
 17 merits for injunctive relief.

18 Second, notwithstanding the Defendants’ failure to oppose Plaintiffs’ Motion,
 19 the Defendants are still engaging in infringing conduct that causes irreparable harm
 20 to Plaintiffs and therefore requires immediate relief. *See id.* at 21-21. All
 21 Defendants continue to advertise the TVpad device on their websites and/or
 22 Facebook pages, including by referring to the fact that the TVpad offers “free”
 23 content or by using images of infringing applications that offer Plaintiffs’
 24 copyrighted programming without authorization. McCauley Decl. Exs. B - E. Both
 25 CNT and Asha Media also continue to sell the TVpad device through their websites.
 26 McCauley Decl. Exs. B, E. In short, the Defendants have not ceased the conduct that
 27 is encouraging and inducing massive infringement of Plaintiffs’ copyrighted works.
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IV. CONCLUSION

For the reasons detailed in Plaintiffs' Motion and the additional grounds set forth above, Plaintiffs respectfully request that the Court grant their unopposed Motion for Preliminary Injunction and enter as its Order the [Proposed] Preliminary Injunction concurrently submitted with Plaintiffs' Motion.

DATED: May 22, 2015

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By: s/ Carla A. McCauley
Carla A. McCauley

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INTERNATIONAL COMMUNICATIONS CO.,
LTD.; TVB HOLDINGS (USA), INC.; AND
DISH NETWORK L.L.C.

DECLARATON OF CARLA A. MCCAULEY

DECLARATION OF CARLA A. MCCAULEY

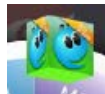
I, Carla A. McCauley, declare as follows:

1. I am licensed to practice law before all the courts in the State of California and am admitted to the United States Court of Appeals for the Ninth Circuit. I am a partner at Davis Wright Tremaine LLP, counsel for Plaintiffs in the above-entitled matter. I submit this Declaration in support of Plaintiffs' Reply in support of their Motion for Preliminary Injunction. I have personal knowledge of the facts contained herein, and, if called upon as a witness, I could and would testify competently about these facts, except for those matters stated expressly upon information and belief, which matters are believed to be true.

2. On March 16, 2015, I caused to be filed Plaintiffs' Motion for Preliminary Injunction. The first available hearing date on the Court's calendar was June 8, 2015, and we set the hearing on the Motion for that date accordingly. According to Local Rule, any opposition to the Motion was due not later than May 18, 2015. None of the defendants at issue in the Motion filed any response.

3. In *Munhwa Broadcasting Corp., et al. v. Create New Technology (HK) Co. Ltd.*, Case No. CV 14-04213 RGK (RZx), the Court issued its Order re: Plaintiffs' Motion for Summary Judgment on Liability Against Create New Technology (HK) Co. Ltd. and Du Hyun Song on May 12, 2015. Attached hereto as **Exhibit A** is a true and correct copy of the Court's Order in that action.

4. On May 20, 2015, I visited the English language version of the website operated by Defendant Create New Technology (HK) Co. Ltd. ("CNT") at www.itvpad.com. CNT continues to advertise the TVpad device on its website, and continues to advertise the fact that the device offers "free" access to Chinese language media. It also continues to use images of infringing applications to advertise the product, including the image of the infringing BETV app, below:



1 The website itvpad.com also continues to offer the TVpad4 for sale. Attached as
 2 **Exhibit B** are true and correct copies of print-outs from
 3 www.en.itvpad.com/tvpad4/index.html and
 4 www.en.itvpad.com/web/mall!getShopCartList.action, which I accessed on the
 5 Internet and printed on May 20, 2015.

6 5. On May 20, 2015, I visited the Facebook page for the TVpad operated
 7 by CNT and printed recent entries from the Facebook timeline dated March 16, 2015
 8 through May 19, 2015. The website includes various advertisements for the TVpad
 9 offering “Hot Summer Savings.” The entry dated April 20, 2015 also features an
 10 image for the TVpad Store that includes images for several applications, including
 11 the infringing BETV, Yue Hai Shi Yi, 516 Online TV and Gang Yue Kuai Kan apps.
 12 Attached hereto as **Exhibit C** are true and correct copies of the first eleven pages of
 13 the timeline for the TVpad Facebook page operated by CNT located at
 14 www.facebook.com/mytvpad?refs=ts, which I accessed on the Internet and printed
 15 on May 20, 2015.

16 6. On May 20, 2015, I visited the website operated by ClubTVpad located
 17 at www.clubtvpad.com. ClubTVpad continues to advertise the TVpad on its website,
 18 including its ability to offer users content at no additional charge, and continues to
 19 promote infringing applications such as HITV, Yue Hai Kuan Pin, BETV, 516
 20 Online TV and Sport Online. ClubTVpad also continues to operate a user forum for
 21 the device and its applications through the same website. Attached hereto as **Exhibit**
 22 **D** are true and correct copies of print-outs from www.clubtvpad.com/main and
 23 www.clubtvpad.com/main/easy-to-use, which I accessed on the Internet and printed
 24 on March 20, 2015.

25 7. On May 20, 2015, I visited the website operated by Asha Media located
 26 at www.tvpad.com. Asha Media continues to advertise the TVpad on its website,
 27 including touting its ability to offer users content at no additional charge. The
 28 tvpad.com website also offers the TVpad4 device for sale for \$299. Asha Media’s

1 Facebook page for the TVpad also continues to advertise the TVpad4. Attached
2 hereto as **Exhibit E** are true and correct copies of print-outs from
3 www.tvpad.com/en; www.tvpad.com/en/checkout/cart; and
4 www.facebook.com/TVpadstore?fref=ts which I accessed on the Internet and printed
5 on May 20, 2015.

6 I declare under penalty of perjury under the laws of the United States of
7 America that the foregoing is true and correct.

8 Executed May 22, 2015 at Los Angeles, California.

9 _____ /s Carla A. McCauley
10 Carla A. McCauley
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EXHIBIT A

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 14-04213-RGK (RZx) Date May 12, 2015

Title ***MUNHWA BROADCASTING CORP., et al. v. SONG, et al.***

Present: The
Honorable

R. GARY KLAUSNER, U.S. DISTRICT JUDGE

Sharon L. Williams (Not Present)

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) Order re: Plaintiffs' Motion for Summary Judgment on Liability Against Create New Technology (HK) Co. Ltd. and Du Hyun Song (DE 181)

I. INTRODUCTION

On December 4, 2014, plaintiffs Munhwa Broadcasting Corporation, MBC America Holdings, Inc., Seoul Broadcasting System International, Inc., and KBS America, Inc. (collectively, "Plaintiffs") filed a corrected Second Amended Complaint ("SAC") against the following defendants: Create New Technology (HK) Co. Ltd. ("Create"); Hua Yang International (HK) Co. Ltd.; Shenzhen GreatVision Network Technology Co., Ltd. ("Shenzhen GreatVision"); Du Hyun Song¹ ("Song"); Sung Youn Kim; Media Journal, Inc.; Best4U, Inc. dba Bestway Realty; Chilbo Myunok USA, LLC; Corea B.B.Q., Inc. dba Myungdong Tofu House ("Corea BBQ"); Keum S. Kang dba MissyLuxy; Se Jin O; Glonet Services, Inc.; Lai Lai China Bistro, Inc.; and CJ Wilshire, Inc. d/b/a Beul ("CJ Wilshire").

The SAC contains the following claims: (1) Copyright Infringement – Infringement of the Public Performance Right in Violation of 17 U.S.C. §§ 106(4), 501; (2) Copyright Infringement – Infringement of the Reproduction and Distribution Rights in Violation of 17 U.S.C. §§ 106, 501; (3) Violation of the Digital Millennium Copyright Act Pursuant to 17 U.S.C. §§ 1201, *et seq.*; (4) Infringement of Federally Registered Trademarks Under Section 32 of the Lanham Act, 15 U.S.C. § 1114; (5) False Designations of Origin and False Descriptions and Representations, and Unfair Competition under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125; (6) Common Law Trademark Infringement; (7) California Unfair Competition – California Business & Professions Code §§ 17200, *et seq.*; and (8) Common Law Unfair

¹Plaintiffs allege that Du Hyun Song is also known as Doo Hyun Song and/or Dylan Song.

Competition.

On April 20, 2015, Plaintiffs filed a Motion for Summary Judgment on Liability (the “Motion”) against Create and Song (collectively, “Defendants”). The Motion is unopposed. With one exception, the liability of the remaining defendants has been resolved by default or Consent Judgments and Permanent Injunctions. That one exception is Shenzhen GreatVision, which has not yet been served.

On April 30, 2015, the Court struck Create’s Answer for failure to comply with a prior order, and the clerk entered default against Create on May 5, 2015. Therefore, only the issue of Song’s liability is presently before the Court.

For the following reasons, the Court **GRANTS** the Motion with respect to Song, and **DENIES** the Motion as **moot** with respect to Create.

II. FACTUAL BACKGROUND

Plaintiffs allege the following facts. Plaintiffs and/or their respective parent companies are the three largest national television networks in South Korea, and are the producers, distributors, and/or exclusive licensees of a large number of audiovisual works. Plaintiffs sub-license their broadcasts and programs to DIRECTV and Time Warner Cable, among other service providers. Those service providers then retransmit the broadcasts and programs in the U.S. to fee-paying subscribers. Many of Plaintiffs’ works are registered with the United States Copyright Office, and Plaintiffs own or hold exclusive licenses for the copyrights covering those works.

Create operates a closed, centrally managed global “P4P” digital broadcast transmission service, which is a variant of “P2P,” or “peer to peer,” services. This service retransmits or otherwise communicates the entirety of Plaintiffs’ copyrighted daily broadcasts and programs on demand to the U.S. public without any copyright licenses, using a device Create manufactures called the TVpad.² The TVpad connects to a television via an HDMI or analog/video cable, and can be connected to the Internet through either a wireless or Ethernet cable. The TVpad operates various applications (commonly known as “apps”), which Plaintiffs refer to as “unlicensed retransmission request software,” and which allow users to access and stream a host of audiovisual works, including Plaintiffs’ works, for free.

Critically, in addition to receiving transmitted content, the TVpads also *re-transmit* that content to other TVpads on the network operated by Create. The details of this retransmission system will be further explained below.

Song operates Media Journal, which distributes TVpads to the public. Media Journal also advertised the TVpad in a variety of ways, particularly to the Korean-American population in Southern California.

III. JUDICIAL STANDARD

Pursuant to Federal Rule of Civil Procedure 56(a), summary judgment is proper only upon a showing that “there is no genuine issue as to any material fact and that the [moving party] is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). Upon such showing, the court may grant summary judgment “on all or part of the claim.” *Id.*

²There are four versions of the TVPad, to which Plaintiffs refer as “TVpad,” “TVpad2,” “TVpad3,” and “TVpad4.” This Order uses “TVpad” to refer to all versions of the device.

To prevail on a summary judgment motion, the moving party must show that there are no triable issues of material fact as to matters upon which it has the burden of proof at trial. *See Celotex Corp. v. Catrett*, 477 U.S. 317, 325 (1986). On issues where the moving party does not have the burden of proof at trial, the moving party is required only to show that there is an absence of evidence to support the non-moving party's case. *See id.*

To defeat a summary judgment motion, the non-moving party may not merely rely on its pleadings or on conclusory statements. Fed. R. Civ. P. 56(e). Nor may the non-moving party merely attack or discredit the moving party's evidence. *Nat'l Union Fire Ins. Co. v. Argonaut Ins. Co.*, 701 F.2d 95, 97 (9th Cir. 1983). The non-moving party must affirmatively present specific admissible evidence sufficient to create a genuine issue of material fact for trial. *See Celotex Corp.*, 477 U.S. at 324.

IV. DISCUSSION

In their Motion, Plaintiffs assert that they are entitled to summary judgment against Song on their first claim for copyright infringement, their fourth claim for trademark infringement, and their fifth claim for unfair competition under 15 U.S.C. § 1125. The Court agrees, and addresses each claim below. Since Song did not file an Opposition to the Motion, all facts referenced herein are undisputed.

A. Copyright

Plaintiffs argue that Song is liable for contributory copyright infringement. To succeed on this theory, Plaintiffs must first "establish that there has been direct infringement by third parties." *Perfect 10, Inc. v. Amazon.com, Inc.*, 508 F.3d 1146, 1169 (9th Cir. 2007).

1. Direct Infringement

To establish a claim for direct copyright infringement, Plaintiffs must show (1) ownership of the allegedly infringed material and (2) violation by Defendants of at least one exclusive right granted to copyright holders under 17 U.S.C. § 106. *A&M Records, Inc. v. Napster, Inc.*, 239 F.3d 1004, 1013 (9th Cir. 2001) (citing 17 U.S.C. § 501(a)). "Under the copyright laws, the registration of a copyright certificate constitutes prima facie evidence of the validity of a copyright in a judicial proceeding commenced within five years of the copyright's first publication." *Entm't Research Grp., Inc. v. Genesis Creative Grp., Inc.*, 122 F.3d 1211, 1217 (9th Cir. 1997) (citing 17 U.S.C. § 410(c)). However, copyrighted works of foreign origin need not be registered to be enforced in U.S. courts. *See Reed Elsevier, Inc. v. Muchnick*, 559 U.S. 154, 165 (2010) (citing 17 U.S.C. § 411(a)).

Plaintiffs have clearly shown ownership of the allegedly infringed material. They have submitted non-exhaustive lists of representative copyright registrations for their programs and broadcasts, as well as representative registration certificates for works they have registered with the U.S. Copyright Office within the last five years. (*See* Kim Decl., Exs. A-B; Lee Decl., Exs. A-B; Chang Decl., Exs. A-B.) Declarations from Plaintiffs' executives also set forth additional programming to which Plaintiffs own copyrights. (*See* Kim Decl. ¶ 3; Lee Decl. ¶ 3; Chang Decl. ¶ 3.) Moreover, Plaintiffs have submitted ample evidence that these copyrighted works are the same ones allegedly directly infringed by TVpad users, as discussed below. (*See* Wasserstein Decl., Ex. 44; *id.* at Ex. 7 [Kang Dep.], 40:22-24; *id.* at Ex. 4 [Kim Dep.], 29:9-20, 33:3-20, 39:1-4, 70:3-14, 73:9-22, 93:7-21; *id.* at Ex. 8 [Lyu Dep.], 43:7-24, 46:6-21, 49:8-24; *id.* at Ex. 11 [Crocker Report], ¶ 40; *id.* at Ex. 5 [Media Journal Dep.], 44:3-21; *id.* at Ex. 86; *id.* at Ex. 3 [Song Dep.], 92:23-93:6, 94:1-96:14; Se Jin O Decl. ¶ 14; Paek Decl. ¶ 11, Ex. 4.)

Further, Plaintiffs' evidence shows that third parties, specifically TVpad users, have violated Plaintiffs' exclusive right to publicly perform their copyrighted works. *See* 17 U.S.C. § 106(4). In the

case of audiovisual works, to “perform” a work means “to show its images in any sequence or to make the sounds accompanying it audible.” 17 U.S.C. § 101. To perform an audiovisual work “publicly” means:

(1) to perform or display it at a place open to the public or at any place where a substantial number of persons outside of a normal circle of a family and its social acquaintances is gathered; or (2) to transmit or otherwise communicate a performance or display of the work to a place specified by clause (1) or to the public, by means of any device or process, whether the members of the public capable of receiving the performance or display receive it in the same place or in separate places and at the same time or at different times.

Id.

a. *TVpad Re-transmissions*

Testing performed by Plaintiffs’ expert, David Crocker, showed that the TVpads utilize a “P4P” process, which stands for “proactive network provider participation for P2P.” (*See* Wasserstein Decl., Ex. 11 (“Crocker Rpt.”) ¶ 6.) This is similar to “P2P,” or “peer-to-peer,” sharing technology in which participating devices share content transmissions with one another, but is somewhat distinct in that “a central source decides which participating devices shall share the content transmissions and which devices they shall share them with.” (*Id.* at ¶ 7.) Here, the central source directed TVpads to share transmissions with other TVpads that were “close” to them on the network when acquiring the same content, such as when programs are broadcast live. (*Id.* at ¶¶ 8, 41.) In effect, this means that TVpads receive Plaintiffs’ live content from, and *retransmit* it to, other TVpads. (*Id.* at ¶¶ 6-8, 12, 32-33, 37-41.)³

In *ABC, Inc. v. Aereo, Inc.*, 134 S. Ct. 2498 (2014), the Supreme Court held that the defendant’s similar activity of receiving live broadcasts and re-transmitting them over the Internet constituted a “public performance” in violation of 17 U.S.C. § 106.⁴ *Id.* at 2504-10. The Court finds *Aereo* controlling here, and holds that the TVpad re-transmissions violate Plaintiffs’ public performance right.

Therefore, Plaintiffs have established that TVpad users directly infringe their copyrights.

b. *Restaurants’ Public Performance*

Plaintiffs’ evidence also shows that at least two restaurants, Corea BBQ and CJ Wilshire, used TVpads to show Plaintiffs’ copyrighted broadcasts to their customers. (*See* Ex. 44; Ex. 10 [Yoo Dep.], 37:18-38:8; Ex. 86; Ex. 8 [Lyu Dep.], 50:24-51:17, 54:10-59:10, 69:2-25; Ex. 86.) Moreover, those restaurants did not obtain a license or other form of consent from Plaintiffs. (*See* Kim Decl. ¶ 9; Lee Decl. ¶ 9; Chang Decl. ¶ 9.) Those actions violated Plaintiffs’ exclusive statutory right to “publicly

³It stands to reason, and it appears from Mr. Crocker’s report, that at least some of these TVpads receive the live broadcasts directly from a server or other device controlled by the “central source,” which appears to be Create along with an as-yet-unserved defendant, Shenzhen GreatVision. (*See* Crocker Rpt. ¶¶ 6, 17.) The first paragraph of Plaintiffs’ brief hints that is the case. (*See* Pls.’ Mot., 1:8-11.)

⁴The direct infringers in this case are one step removed from the defendant in *Aereo*. That defendant was the entity which initially received the copyright holders’ broadcasts and subsequently streamed them to viewers online. *See id.* at 2503. Here, the initial action of receiving or “capturing” Plaintiffs’ broadcasts appears to be performed by Create, and the viewers then *re-transmit* the broadcasts to other viewers by way of their TVpads. However, those re-transmissions still appear to qualify as public performances, and Song effectively conceded this point by failing to file an Opposition. Thus, the Court does not find this to be a ground for distinguishing *Aereo*.

perform” their copyrighted works, and thus directly infringed Plaintiffs’ copyrights as well.

2. Contributory Infringement

“[O]ne contributorily infringes when he (1) has knowledge of another’s infringement and (2) either (a) materially contributes to or (b) induces that infringement.” *Perfect 10, Inc. v. Visa Int’l Serv. Ass’n*, 494 F.3d 788, 795 (9th Cir. 2007). Knowledge may be actual or constructive. *See Napster*, 239 F.3d at 1020 (“Contributory liability requires that the secondary infringer ‘know or have reason to know’ of direct infringement.”).

“Material contribution” is established where an entity “encouraged or assisted others’ infringement, or provided machinery or goods that facilitated infringement.” *See Arista Records LLC v. Lime Grp. LLC*, 784 F. Supp. 2d 398, 432 (S.D.N.Y. 2011). With regard to inducing infringement, the Supreme Court has explained that “one who distributes a device with the object of promoting its use to infringe copyright, as shown by clear expression or other affirmative steps taken to foster infringement, is liable for the resulting acts of infringement by third parties.” *MGM Studios Inc. v. Grokster, Ltd.*, 545 U.S. 913, 936-37 (2005). “[U]nder *Grokster*, an actor may be contributorily liable for intentionally encouraging infringement if the actor knowingly takes steps that are substantially certain to result in such direct infringement.” *Perfect 10, Inc. v. Amazon.com, Inc.*, 508 F.3d 1146, 1171 (9th Cir. 2007).

a. *TVpad Re-transmissions*

Plaintiffs have submitted uncontradicted evidence that Song, Media Journal’s CEO (*see* Wasserstein Decl., Ex. 3 at 8:19-20), had knowledge the TVpads were being used to directly infringe Plaintiffs’ copyrights. On February 20, 2014, Plaintiffs’ counsel sent a letter to Song informing him that use of the TVpad constituted copyright infringement, and that his marketing and sale of TVpads “for the purpose of allowing purchasers of the TVpad devices to access [Plaintiffs’] Copyrighted Works” without their authorization, and without paying for that access, rendered Song liable for contributory infringement. (Wasserstein Decl., Ex. 25.) Plaintiffs demanded that Song cease and desist marketing and selling TVpads. (*Id.*) Song forwarded this letter on to Create, which in turn consulted with its own attorney. Create relayed its attorney’s advice to Song; this included advising Song of the “requirements” that he not sell TVpads with applications already installed or use copyrighted content when promoting TVpads. (*See id.* at Exs. 24, 75; *see also id.* at Ex. 56 (notice Create sent to Song regarding legal issues, stating among other things: “(1) Do not install any software applications for end users, and do not assist end users in installing any software applications in any manner”; “(2) Do not indicate to end users that the TVpad products may be used to view copyrighted content.”).)

Yet Song proceeded to disregard the advice of Create’s attorney and engage in the precise actions which he was advised would facilitate direct infringement, and thus render him liable for contributory infringement. Media Journal employees installed applications used to access Plaintiffs’ programming prior to selling TVpads to customers. (*See id.*, Ex. 4 [Kim Dep.], 107:10-110:14, 125:19-23; Paek Decl. ¶¶ 4-13.) Media Journal also provided the applications to a sub-distributor on a USB stick, and instructed the sub-distributor on how to install the applications onto consumers’ TVpads. (*See id.*, Ex. 7 [Kang Dep.], 43:4-45:1.) Media Journal’s advertising promoted these applications and their use to access Plaintiffs’ copyrighted works. (*See id.*, Ex. 47.) Moreover, Media Journal displayed copyrighted content during advertisements and when promoting the TVpad. (*See id.*, Ex. 5 [Song Dep.], 85:10-86:21; Ex. 32.) These actions both materially contributed to and induced the direct infringement described above, and therefore Song is liable for contributory copyright infringement.

b. *Restaurants' Public Performance*

Plaintiffs' evidence also shows that Media Journal materially contributed to Corea BBQ's infringing activity, and induced it by taking steps which were substantially certain to result in infringement. Chris Kim, a Media Journal employee, brought a TVpad to Corea BBQ and set it up so that it would be able to play Dodgers baseball games broadcast on the MBC Sports Channel. Corea BBQ's owner had previously informed Mr. Kim that the restaurant wanted to show Korean broadcasts of Dodgers games, as Korean player Hyun Jin Ryu was pitching for that team. (*See* Ex. 8 [Lyu Dep.], 40:22-51:17.) Additionally, on two separate occasions, Mr. Kim went back to Corea BBQ to further explain how to use the TVpad in the restaurant. (*Id.*, 51:18-52:23.) Thus, Plaintiff is further liable for contributory infringement as a result of this activity.⁵

B. Trademark

Under the Lanham Act, 15 U.S.C. § 1114, a person is liable for trademark infringement if that person, without the consent of the registrant

use[s] in commerce any reproduction, counterfeit, copy, or colorable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive

15 U.S.C. § 1114(1)(a). To establish trademark infringement under this provision, Plaintiffs must show (1) that their trademarks are valid and protectable, and (2) that Media Journal's use of their marks has created a likelihood of consumer confusion. *See Survivor Media, Inc. v. Survivor Prods.*, 406 F.3d 625, 630 (9th Cir. 2005). This is "[t]he same standard [that is] embodied in section 43(a)(1) of the Lanham Act, [15 U.S.C. § 1125(a)(1),] which applies to both registered and unregistered trademarks[.]"⁶ *Brookfield Commc'ns, Inc. v. W. Coast Entm't Corp.*, 174 F.3d 1036, 1046 n.6 (9th Cir. 1999).

In analyzing likelihood of confusion, courts consider the eight *Sleekcraft* factors:

(1) strength of the mark(s); (2) relatedness of the goods; (3) similarity of the marks; (4) evidence of actual confusion; (5) marketing channels; (6) degree of consumer care; (7) the defendants' intent; [and] (8) likelihood of expansion.

Id. at 632; *see also AMF Inc. v. Sleekcraft Boats*, 599 F.2d 341, 348-49 (9th Cir. 1979).

Plaintiffs own valid federal trademark registrations in a number of the trademarks which are displayed during their broadcasts. (*See* Kim Decl. ¶¶ 7-8; Chang Decl. ¶¶ 7-8; Lee Decl. ¶¶ 7-8.) These registrations are *prima facie* evidence that Plaintiffs own those marks and have the exclusive right to use them in connection with the goods and services specified in the registrations. *See* 15 U.S.C. § 1115(a).

⁵ Plaintiffs did not provide similar evidence regarding contribution to or inducement of CJ Wilshire's activity.

⁶ 15 U.S.C. § 1125(a)(1) renders liable "[a]ny person who, on or in connection with any goods or services, . . . uses in commerce any word, term, name, symbol, or device, or any combination thereof, or any false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which— (A) is likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of such person with another person, or as to the origin, sponsorship, or approval of his or her goods, services, or commercial activities by another person, or (B) in commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or geographic origin of his or her or another person's goods, services, or commercial activities"

Plaintiffs also presented evidence that they own certain other valid but unregistered marks. (See Kim Decl. ¶¶ 7-8; Chang Decl. ¶¶ 7-8; Lee Decl. ¶¶ 7-8.)

Plaintiffs' evidence shows that Song and Media Journal used Plaintiffs' trademarks in advertising and offering TVpads for sale. (See Notice of Lodging, ECF No. 182 [Song's YouTube video]; Wasserstein Ex. 32 [translation thereof]; Ex. 47 [print advertisement].) Plaintiffs' declarants testify that their marks are distinctive (Kim Decl. ¶ 7; Chang Decl. ¶ 7; Lee Decl. ¶ 7), and both the "goods" (live broadcasts) and marks are identical. In the absence of any countervailing evidence, there is no genuine issue of material fact, and an analysis of the *Sleekcraft* factors shows a likelihood of consumer confusion over whether the TVpad transmissions of Plaintiffs' content were licensed or otherwise authorized. See *ESPN, Inc. v. Edinburg Cmty. Hotel, Inc.*, 735 F. Supp. 1334, 1341-42 (S.D. Tex. 1986) (finding trademark infringement where defendant's unauthorized transmissions of HBO content contained HBO's trade marks and trade names). Thus, Media Journal is liable for trademark infringement under Plaintiffs' fourth and fifth claims.

C. Willfulness

Plaintiffs argue that Media Journal's copyright and trademark infringement was "willful," in that it was committed "with knowledge that the . . . conduct constitutes . . . infringement." *Peer Int'l Corp. v. Pausa Records, Inc.*, 909 F.2d 1332, 1335 n.3 (quoting 3 M. Nimmer & D. Nimmer, *Nimmer on Copyright* § 1404[B], at 14-40.2-.3 (1989)); *Jackson v. Sturkie*, 255 F. Supp. 2d 1096, 1101 (N.D. Cal. 2003) ("[P]laintiff must demonstrate that defendant was aware, or should have been aware, that his activities were infringing.").

As discussed in Section IV(A)(2)(a), *supra*, Media Journal was aware that its conduct rendered it contributorily liable for copyright infringement at the time it engaged in the conduct at issue. The February 2014 letter to Song from Plaintiffs' counsel also informed him that he had used Plaintiffs' trademarks and/or service marks in connection with their copyrighted works "in a manner that is designed to falsely suggest to consumers that [Plaintiffs] are affiliated with, or endorse, [his] business." (Wasserstein Decl., Ex. 25.) Moreover, Create's email to Song containing the advice of its attorney stated, "Don't use the wording or logos such as SBS or MBC in advertising or promotional documents." (*Id.* at Ex. 24.) Thus, Media Journal was aware that its activities infringed Plaintiffs' trademarks as well. Therefore, the Court finds that Media Journal's conduct in infringing Plaintiffs' copyrights and trademarks was willful.

D. Song's Personal Liability for Media Journal's Infringing Actions

Finally, Plaintiff argues that Song should be held personally liable for Media Journal's infringing actions. There are two requirements for disregarding a corporate entity and holding an individual liable:

[F]irst, that there is a sufficient unity of interest and ownership between the corporation and the individual . . . controlling it that the separate personalities of the individual and the corporation no longer exist; and second, that treating the acts as those of the corporation alone will sanction a fraud, promote injustice, or cause an inequitable result.

Misik v. D'Arco, 197 Cal. App. 4th 1065, 1072 (2011).

A number of factors are relevant to determining whether the first requirement is met. Two factors in particular weigh heavily in favor of finding unity of interest and ownership – "commingling of funds and other assets of the individual and the corporation," and "an individual holding out that he is personally liable for debts of the corporation." *Id.* at 1073. At his deposition, Song admitted that he used

his personal bank account interchangeably with that of Media Journal, using both accounts to purchase and to receive payments for TVpads. (Wasserstein Decl., Ex. 5 at 152:14-153:2.) Song also admitted that he used his personal account to pay Media Journal employees. (*Id.* at Ex. 5, 153:3-5.) An analysis conducted by Plaintiffs’ expert found that Song made \$182,730 in payments to Create from his personal account, which accounted for approximately 81% of all of Media Journal’s TVpad purchases. (Sokol Decl., Ex. 2 at ¶ 7, Ex. A.) Additionally, more than \$150,000 in TVpad sales was deposited directly into Song’s personal account. (*Id.* at ¶ 12, Ex. B.) This accounted for approximately 31% of total revenue from TVpad sales. (*Id.* at ¶ 13.)

Further, Plaintiffs’ expert was unable to identify a deposit to either Song’s personal account or that of Media Journal which corresponded to a \$20,000 payment to Media Journal from Se Jin O of Glonet Services, Inc., for the purchase of 100 TVpads. (*See id.* at ¶¶ 9-10; Se Jin O Decl. ¶¶ 7-8, Ex. 2.) According to Plaintiffs’ expert, this indicates either an off-the-books transaction by Song, or the existence of another bank account potentially controlled by Song, which he did not disclose at his deposition. (Sokol Decl., Ex. 2 at ¶ 10.)

Moreover, in March 2014, the investor who provided Song with the initial capital for Media Journal indicated that Song was not maintaining “adequate corporate records,” *Misik*, 197 Cal. App. 4th at 1073, and was “manag[ing] the company fund as he please[d].” (Wasserstein Decl., Ex. 78.) Finally, Media Journal has gone out of business, and thus there is an “absence of corporate assets.” *Misik*, 197 Cal. App. 4th at 1073.

In light of the above evidence, the Court finds sufficient unity of interest and ownership to satisfy the first requirement. Additionally, it would be inequitable to allow Song to use the corporate form to avoid liability for his infringing conduct as Media Journal’s CEO given that he deposited significant revenues from TVpad sales directly into his personal bank account. Thus, the Court finds Song personally liable for Media Journal’s infringing actions.

V. CONCLUSION

For the foregoing reasons, the Court **GRANTS** Plaintiffs’ Motion with respect to Song, and **DENIES** the Motion as **moot** with respect to Create.

IT IS SO ORDERED.

:
Initials of Preparer

EXHIBIT B



Home

Store

TVpad4 GCN

TVpad News



Best Streaming Player for Overseas Chinese

Over millions of TVpad have been sold
Over ten millions of loyal users worldwide

From TVpad1 to TVpad4, we make better TVpad
Accelerating sales
Stable expanding market share
Top-selling streaming player for overseas Chinese



THE ONE

TVpad products have been rated as the best streaming player for overseas Chinese. As the latest generation of TVpad products, TVpad4 is

featured with more powerful functions, providing you with HD, stable and smooth Chinese video contents.

Powerful Software & Firmware

2K full HD, 4 times the resolution of 720P

Updated software and firmware bring better streaming and life-like visual experience

First H.265 streaming player

Quad-core CPU

Android 4.4

1080p HD video transmission

The half of bandwidth required



Stable Streams

16 secured mechanisms

All-new security mechanism and powerful backing supports totally achieve “real stability”.

500 technicians

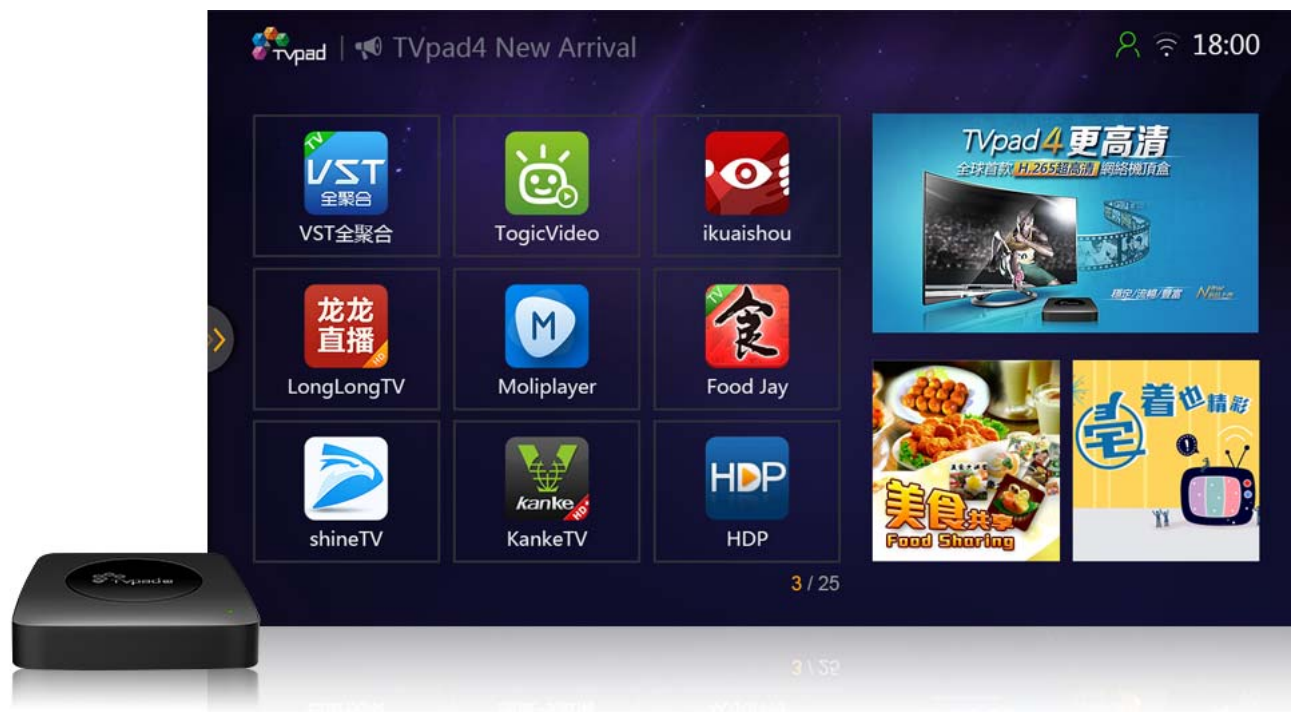
5-year technologies accumulation

App security testing

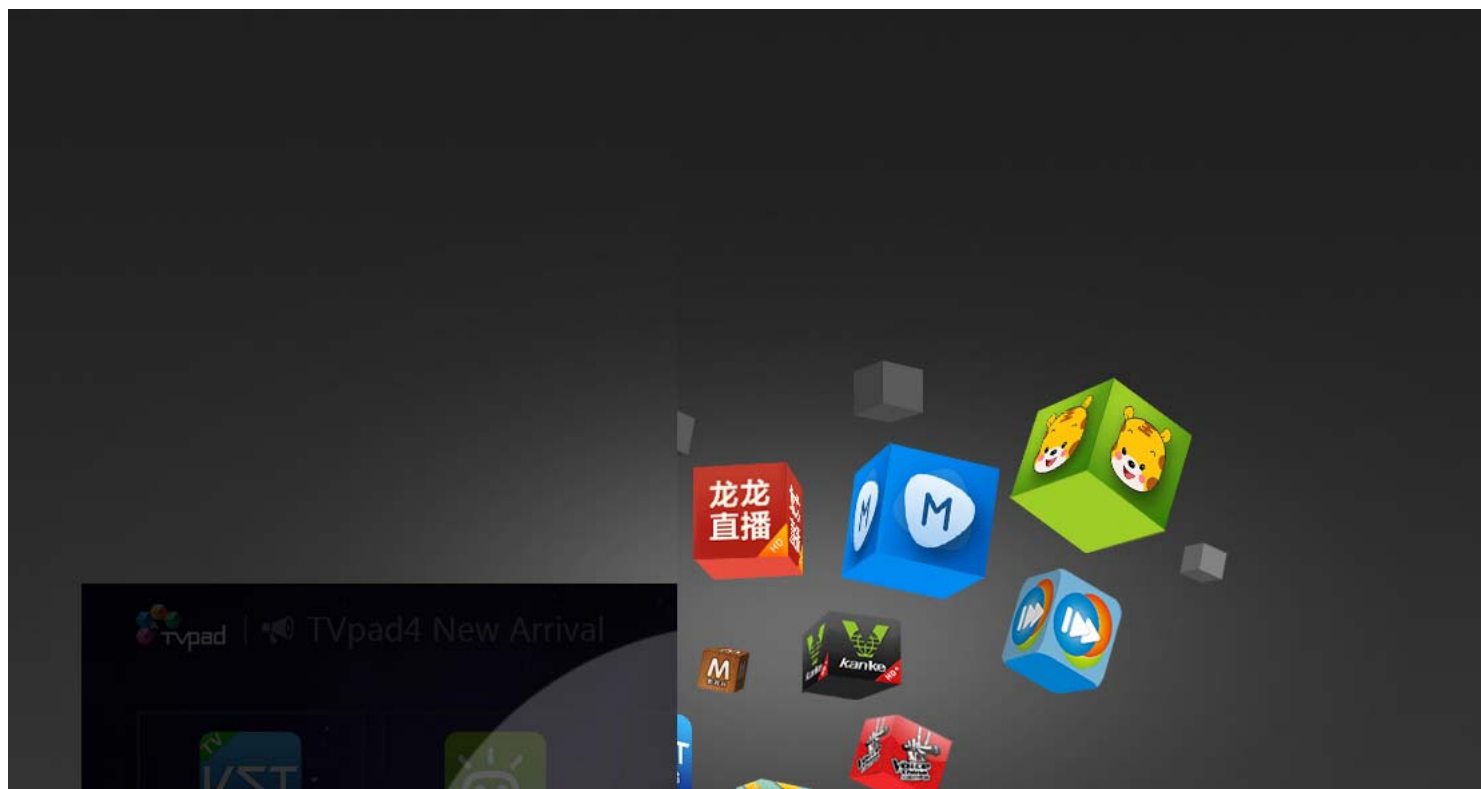
Over 30,000 hours under test

24/7 customer service

Well-established emergency response mechanism



Popular apps are adopted into TVpad to customize exclusive apps for oversea Chinese.





Simple & Easy Operation

Say NO to firewall and IP restriction, just 2 steps to set up TVpad4!

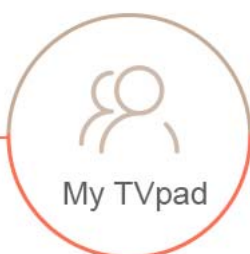
Automatically connect to server after starting up, simple operation!
Fast response and smooth interactive experience make it easier to search and enjoy the contents!

TVpad Remote

Wired mouse

Wireless mouse

App control (phone)





Choose TVpad, Far More Convenient

24/7 customer support available via hotline, online help and email

More ways to purchase TVpad:



TVpad services & sales outlets covering in more than 200 cities in over 40 countries
Make your purchase infinitely convenient.



4 EASY STEPS TO SET UP TVpad4





Specifications

| | | |
|--------------------|-------------------------|--|
| Basic | Device Name | TVpad4 |
| | Model | M418 |
| Specifications | Network | Bandwidth≥2M |
| | L*W*H | TVpad device: 100*100*21mm Package: 149*149*82mm |
| | Weight | N.W.: 135g; G.W.: 620g |
| | CPU | quad-core |
| | CPU Frequency | 1.4G |
| | FLASH (built-in memory) | 4G |
| | RAM | 1G |
| | Power | Working power < 5W; Standby power < 0.5W |
| Ports & Interfaces | Video Output | HDMI/AV |
| | USB Port | USB2.0 port ×1 |
| | Memory Card | TF card slot ×1 |
| | Ethernet Port | Ethernet port×1/Built-in Wi-Fi |
| | Power Port | Input: DC5V, 2A |
| Software | System Language | Multi-language (简体中文/繁體中文/English/日本語/한국어) |
| | Video Decoder | MPEG1/2/4, H.263, Xvid, WMV9, H.264, VC-1, H.265, etc. |

| | | |
|---------------|---------------|--|
| Audio/Video | Video Format | AVI, MKV, WMV, MPG, VOB, MP4, ASF, TS, MOV, etc. |
| | Audio Decoder | MP3, WMA, OGG, WAV, AAC, PCM, AC3, M4A, etc. |
| Certification | Certified by | CE,C-TICK,FCC,IC , RoHS , HDMI |

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Statement
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Media Support

Contact Us

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Seller : TVpad Mall

☐ Select All

| | Item Name | Price | Quantity | Subtotal | Operation |
|--------------------------|--|-----------|--|-----------|------------------------|
| <input type="checkbox"/> |  TVpad4 GCN Edition (Model M418) Streaming Player | USD 299.0 | <input type="button" value="-"/> <input type="text" value="1"/> <input type="button" value="+"/> | USD 299.0 | Delete |

[Bulk Delete](#)

Quantity : 1 Total : USD 299.0

[Check Out](#)



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(remote areas excluded)

Official Store · Quality · Warranty

TVpad4 Best Streaming Player for Overseas Chinese Top 1

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Global Service Center

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EXHIBIT C

TVpad
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店铺

TVpad

Product/Service

一起煲剧

**TVpad迎夏
优惠大派送**

300+中港台电视直播频道

优惠券
\$50
OFF

Shop Now

Like

Message

...

Timeline

About

Photos

晒新春有奖活动

More ▾

 Post  Photo / Video

Write something...

Post

 **TVpad** added 2 new photos.

Yesterday at 3:19am · 

#TVpad速卖通店铺#迎夏优惠大派送！进店领取50美金优惠券，下单即减50刀！店铺链接：<http://www.aliexpress.com/store/315267>

[See Translation](#)




Like · Comment · Share

 3 people like this.



Write a comment...



 **TVpad** changed their profile picture.
Yesterday at 1:17am · 🌐



Like · Comment · Share

👍 5 people like this.



Write a comment...



Huy John Tv pad 請問我在越南有買一套，為什麼晚上看**Tvb**有点卡頓是因為什麼原因呢？謝謝

[See Translation](#)

Like · Reply · 19 hrs



TVpad 您好！請檢查一下是否為網絡問題~嘗試把DNS修改為8.8.8.8看下是否有好轉？謝謝！

[See Translation](#)

Like · 17 hrs

↪ [View more replies](#)

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Yesterday at 1:17am · 🌐



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 **TVpad** changed their profile picture.
Yesterday at 1:16am · 🌐



Like · Comment · Share

 **TVpad** changed their profile picture.
Yesterday at 1:12am · 🌐



5/20/2015

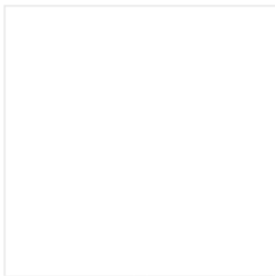


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TVpad changed their profile picture.

Yesterday at 1:12am ·

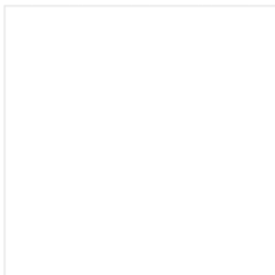


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Yesterday at 1:12am ·



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TVpad updated their cover photo.

Yesterday at 1:12am ·



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2 people like this.



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TVpad changed their profile picture.

Yesterday at 1:12am ·



Like · Comment · Share



TVpad

May 8 at 3:57am · 🌐

#曬禮物贏T幣#母親節大家準備好禮物了嗎？作為母親的你有沒收到孩子們送的驚喜禮物？或者遇到有意義的事情呢？TVpadfans論壇邀請您來曬曬幸福、曬曬禮物！有T幣的動起來！沒T幣的趕緊來掙！參與活動請點擊：<http://tvpadfans.com/forum.php...>

[See Translation](#)



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👍 Eric But likes this.



Write a comment...



TVpad

May 4 at 11:23pm · Edited · 🌐

#母親節#送體貼，TVpad4直降50刀，大快媽咪心！海外輕鬆睇300+中港臺電視無月費無合約無押金！與您一齊感恩，好禮儘獻媽咪！請點擊以下鏈接直接購買：<http://cn.itvpad.com/group.html...>

[See Translation](#)



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👍 6 people like this.

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Félix Trieu 好禮儘獻媽咪!

See Translation

Like · Reply · May 5 at 12:52am



René Rana 整嘢

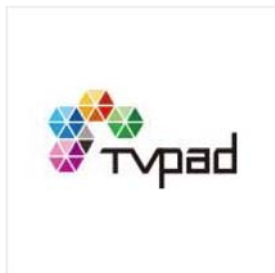
See Translation

Like · Reply · May 6 at 7:34am



TVpad changed their profile picture.

May 4 at 10:42pm · 🌐



Like · Comment · Share

👍 3 people like this.



Write a comment...



TVpad updated their cover photo.

May 4 at 8:52pm · 🌐



Like · Comment · Share

👍 Wen He likes this.



Write a comment...



TVpad updated their cover photo.

May 4 at 8:52pm · 🌐



Like · Comment · Share



TVpad

April 30 at 2:47am · 🌐

#歐冠四強競猜#歐冠四強已出爐，比賽將在北京時間5月6日凌晨打響，今年的歐冠真是史上最強對陣，最後誰會是冠軍呢？相信你對冠軍席位早已心有所屬！與其獨樂不如來這參與我們的競猜活動吧！猜中即得TVpad4“五十美

金優惠券一張”哦！請進入我們的官方論壇參與競猜：<http://tvpadfans.com/thread-372905-1-1.html>

[See Translation](#)



Like · Comment · Share

2 people like this.



Write a comment...



TVpad added 2 new photos.

April 24 at 1:44am ·

#TVpad專營店#強勢入駐澳洲悉尼，有顏有戲有優惠!!! 坐落於300 Liverpool Rd Ashfield NSW 2131的TVpad專營店要開業啦！準確時間是2015年4月27日，將以全新的店鋪形象亮相在澳大利亞最大城市和港口---悉尼。以下是小黑偷拍回來的現場圖片，店鋪負責人Jay透露開業當天會有驚喜哦！詳情請點擊以下鏈接查看：<http://tvpadfans.com/forum.php...>

[See Translation](#)



活动地点：300 Liverpool Rd Ashfield NSW 2131

Like · Comment · Share

4 people like this.



Write a comment...





TVpad updated their cover photo.

April 23 at 1:48am · 🌐



Like · Comment · Share

👍 4 people like this.

Top Comments ▾



Write a comment...



Pong Terry 又睇唔Q到直播啦！小你老味！

[See Translation](#)

Like · Reply · 👍 1 · April 23 at 9:18am



TVpad 您好！請提供機器型號同具體劇集方便我地定位您既機器問題，謝謝！

[See Translation](#)

Like · April 23 at 6:59pm

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Samxsam Image 上周的RunningMan奔跑吧兄弟 到现在都看不到。。。所有直播永远停在0-1KB。。。TVPAD3...BETVII和 BETVII3 都一样。。。

Like · Reply · April 26 at 11:51pm

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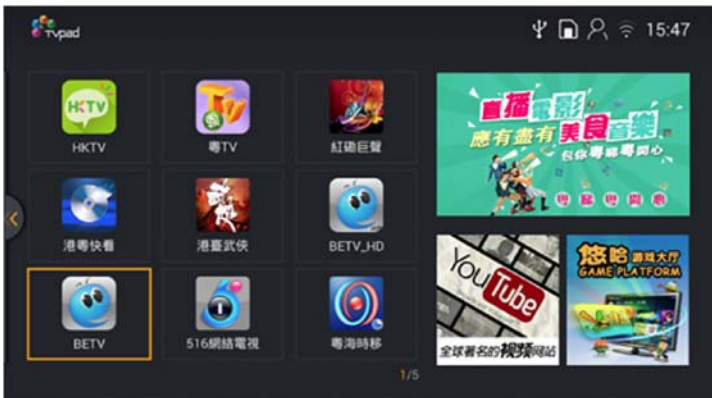


TVpad

April 20 · Edited · 🌐

來來來，#曬私藏show#出你的TVPAD4主介面，為新增應用添一把火！高手大神們不要“吝嗇”您的私藏哦。通過截圖或者拍照的形式，跟帖show出您盒子的1-3屏，不僅更多的TVPAD新用戶提供一個全面客觀的“民間應用安裝指南”，同時也是一個把您喜歡的應用推薦給TVpad官方商城的機會！詳情請點擊以下鏈接：<http://tvpadfans.com/forum.php?mod=viewthread&tid=372836>

[See Translation](#)



Like · Comment · Share

👍 5 people like this.



Write a comment...



TVpad updated their cover photo.

April 3 · 🌐

復活節專場

中文電視盒

3,496 people like this

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Let all Chinese people around the world exclusively stream on Chinese TV & VOD without monthly fees because of TVpad
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VIDEOS >

中文電視盒 全城專場 OFF 實直播頻道 >

截至 3月31日

Top Comments >

3 people like this.



Write a comment...



TVpad updated their cover photo.

March 23 · 🌐



Like · Comment · Share

2 people like this.



Write a comment...



TVpad added 5 new photos.

March 17 · Edited · 🌐

#TVpad墨爾本新春嘉年華活動 #人氣爆棚

墨爾本一年一度的BOXHILL CENTRAL華人新春嘉年華活動完美落幕，TVpad作為最受華人喜愛的中文電視參展商參加了此次活動，活動現場人潮湧動，新春的氣息感染了現場所有人。TVpad經6年品質沉澱，擁有千萬華人用戶群，通過此次行動，讓更多的海外華人知道並瞭解了TVpad，體驗到TVpad帶給家的電視樂趣，把更多的鄉音帶給遠在異鄉的華人們。下面，通過圖片一起回顧下當天活動盛況：

[See Translation](#)



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TVpad changed their profile picture.

March 16 · 



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 6 people like this.



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Chia-Yu Fu 516網路電視 App的三立新聞台已經沒有了,很多人在網上反應很久. 有誰知道如何解決?謝謝!

[See Translation](#)

Like · Reply · March 17 at 5:15pm

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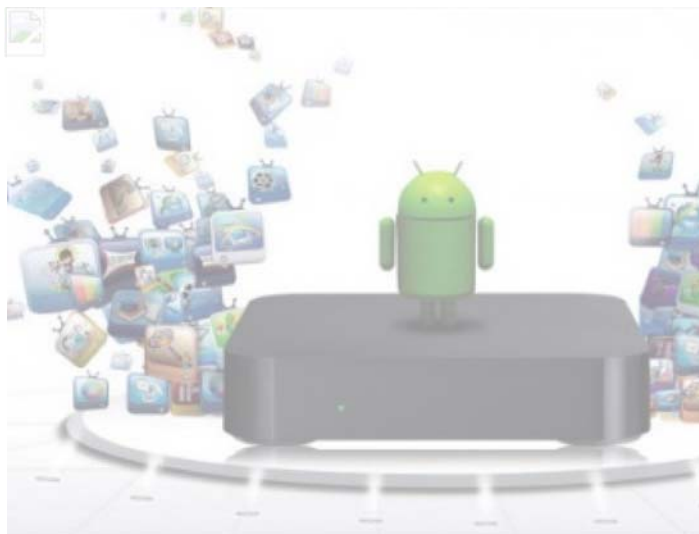
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No Monthly Fees

Access tons of content with no monthly charge!

It's a set top box that lets you access Chinese, Vietnamese and Korean TV and movies with no additional charge!!

[Read More](#)

Downloads

Download your favorite apps or firmware packages here!

Our download section has an extensive library of apps and firmware packages for all models of TVpad. It has full instructions and great support from our forum admin and members!

[Download Now](#)

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Get support, or simply connect with others!

We offer a huge network of people just like you looking to share their experiences with ClubTVPad! Check our forum for outage reports, new app releases or news on TVpad developments etc.

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Club TVpad

Easy-to-Use

Easy to set up! Connects via ethernet or wireless (optional add-on), and to your TV via AV or HDMI cable. Everything you need is included. You'll be up & running in minutes browsing an ever growing library of shows movies without monthly fees!

TVpad is extremely easy to operate it has a concise & friendly interface.

Apps are growing everyday giving you even more access to more shows & movies.



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EXHIBIT E



(<http://www.tvpad.com/en/checkout/c>



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THE WORLD'S FIRST **H.265** STREAMING PLAYER

WORLD DEBUT

WATCH LIVE CHINESE (MANDARIN , CANTONESE AND TAIWANESE) TV WITH
NO MONTHLY FEES

LEARN MORE

TVpad 4
Ultra HD Displays
The World's First **H.265** Ultra HD Streaming Player

Stable Smooth Quality

New Arrival

([tvpad4-m418.html](http://www.tvpad.com/en/tvpad4-m418.html))



(<http://www.tvpad.com/en/tvpad4-m418.html>)

TVpad is the most popular streaming smart box that offers the best access to Chinese, Korean, and Japanese TV from anywhere in the world.

If you live abroad and miss your favorite shows, including dramas, sports, gameshows, news, movies, and music, then TVpad can keep you connected to it all. TVpad is the perfect streaming entertainment solution for students, ex-pats,



2:08

travelers, and business people that want to turn on the TV and feel like they're back home.

OVERVIEW OF FEATURES

- ✓ No Monthly Fees
- ✓ High Definition Live TV
- ✓ Time-Shift Live TV Playback
- ✓ Interactive Educational Learning for Kids
- ✓ More Channels compared to other services.
- ✓ Video On Demand Service
- ✓ Extensive Video Library
- ✓ Interactive Learning



But there's more! TVpad does so much more than streaming TV. With a vast collection of apps, you can explore other functions:

- Organize your favorite categories and shows with apps.
- Like horror movies? Dance videos? Sports highlights? There are apps for that!
- Access high quality educational resources with interactive learning tools for kids and great educational programming!

Check out the latest TVpad model TVpad4
(<http://www.tvpad.com/en/tvpad4-m418.html>)
for even more features and order the coolest
smart TV platform for your home.

⚠ Consumer Alert: Our Warranty and
Support is not provided for Amazon
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warranty , Money Back Guarantee and
Genuine Factory Direct products.

FEATURED PRODUCTS



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TVpad 4 M418 Ultra HD Smart TV Streaming
Media Player - Watch Live Chinese TV
(<http://www.tvpad.com/en/tvpad4-m418.html>)

~~\$359.00~~ **\$299.00** 

SALE



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~~\$35.00~~ **\$29.99**





Simply Amazing

- ✓ NO MONTHLY FEES
- ✓ VIDEO ON DEMAND
- ✓ HD LIVE TV
- ✓ BETTER PERFORMANCE
- ✓ MORE CHANNELS

tvpad

Learn More

(<http://www.tvpad.com/en/tvpad3-m358.html>)



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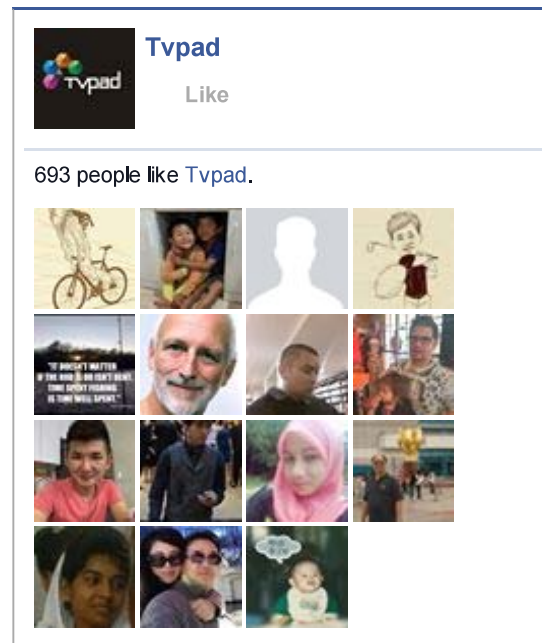
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<http://www.tvpad.com/en/about-us>) The TVpad Store is an Authorized TVpad store that ships Genuine and Authentic TVpad products

<http://www.tvpad.com/en/tvpad-store.html>), directly from the factory. We offer genuine standard manufacturer warranty on all TVPad products we sell. In fact, we're the only store on the Internet that offers an Extended TVpad Warranty (<http://www.tvpad.com/en/tvpad-warranty-options.html>) and Lifetime Product Support. Our business is based on strong family values. Our latest hot-selling product is the TVpad4 M418 (<http://www.tvpad.com/en/tvpad4-m418.html>) Ultra HD version. We love what we do and we want to keep doing it. We, as a team, are dedicated towards betterment of the store and

Would always be willing to go that extra mile for your satisfaction. [Read More](http://www.tvpad.com/en/about-us)
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- TVpad4 Features: Expanded Channel Library
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- Zhou Xun Crowned China's Favorite Celebrity
(<http://www.tvpad.com/en/tvpad-store-blog/zhou-xun-crowned-chinas-favorite-celebrity.html>)

OUR COMMITMENT

The TVpad Store Customer Service team is here to provide you **Exceptional Customer Service** for your Tvpad products:

- ✔ We are **Reliable** so you can always expect that we'll be there to answer your questions.
- ✔ We are very **Timely** and will respond to your request within 24 hours.
- ✔ We are real people and are very **Personal and Friendly** so you can always feel like you're talking to your friend :-). Learn more **About us** (<http://www.tvpad.com/en/about-us>)
- ✔ We are very **Approachable** so you can feel free to talk to us openly and let us know how we can serve you better..
- ✔ We will go above and beyond your expectations. That is our **Promise**
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(<http://www.tvpad.com/en/tvpad4-m418.html>)



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Product Name: [TVpad 4 M418 Ultra HD Smart TV Streaming Media Player - Watch Live Chinese TV \(http://www.tvpad.com/en/tv](http://www.tvpad.com/en/tv)

[Edit \(http://www.tvpad.com/en/checkout/cart/configure/id/590274/\)](http://www.tvpad.com/en/checkout/cart/configure/id/590274/)

Unit Price: **\$299.00**

Quantity: 1

Subtotal: **\$299.00**



(<http://www.tvpad.com/en/ajax/index/delete/id/590274/uenc/aHR0cDovL3d3dy50c>

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California

Zip/Postal Code

GET A QUOTE

Best Carrier (DHL, USPS, FedEx, or UPS) **\$0.00**

DISCOUNT CODES

Enter your coupon code if you have one

APPLY COUPON

| | |
|---|-----------------|
| Subtotal | \$299.00 |
| Discount (Holiday Store Credit Gift Voucher) | -\$10.00 |
| Shipping & Handling (FREE SHIPPING (3-5 Business Days) - Best Carrier (DHL, USPS, FedEx, or UPS)) | \$0.00 |
| GRAND TOTAL | \$289.00 |

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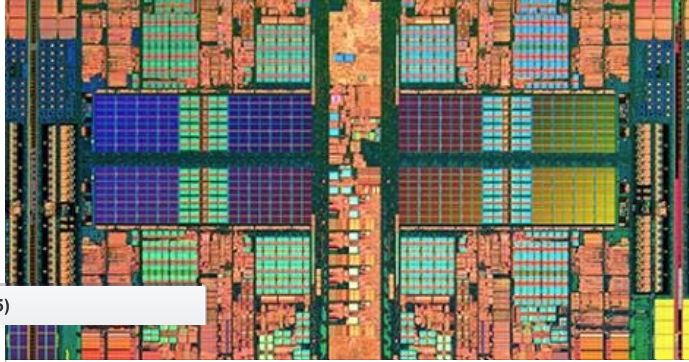
Post



Tvpad

January 27 · 🌐


Experience the speed and efficiency of the new TVpad4 with its powerful quad-core processor!



TVpad4 Features: The Efficient New Quad-Core Processor

With the recent introduction of the new high efficiency video coding system, it is no surprise that the manufacturers of TVpad have also released their latest edition....

[TVPAD.COM](#)



Tvpad

January 9 · 🌐

Here is the 1st installment in our "TVpad4 Features" series of blog posts. Up first, the revolutionary H.265 video encoding that improves speed and picture quality.


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TVpad4 features: H.265 High Efficiency Video Coding

A new video codec is currently being introduced, and it is faster and more stable than ever before. Commonly referred to as

TVPAD.COM

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Tvpad

January 6 · 🌐

Check out this Top 10 list of the best Japanese films of 2014!

Best of 2014: A Top 10 Of Japanese Films

As we say sayonara to 2014 it's time to take a look back on the films that lit up the Japanese cinematic landscape over the past year. Dominating the box-office top ten was the usual mix of animation (including two...

TWITCHFILM.COM

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Joel James Hey that's great! How do I get a hold of a TVpad 4 that plays the Japanese Niji channels?

Like · Reply · April 10 at 10:15pm



Tvpad

December 23, 2014 ·

Sick of hearing about all the drama between North Korea and Sony's 'The Interview'? Watch some [#kdrama](#) instead on the new TVpad4.



TVpad4 On Sale Now!

Prepare yourself and your family for a whole new way to stream your favorite entertainment directly to your TV, with the new TVpad4. The revolutionary set-top box brings you even more of the

TVPAD.COM

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3 people like this.

[Top Comments](#)



Write a comment...



Yvonne Luk Do we need to update the tvpad3?

Like · Reply · December 23, 2014 at 12:02pm

Tvpad There is a recent update. To check go to Settings > Update System > OK. If there is an update it will download and install.

Like · 2 · December 23, 2014 at 12:12pm

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[View 1 more comment](#)



Tvpad changed their profile picture.

December 19, 2014 ·



Like · Comment · Share

5 people like this.



Write a comment...



Tvpad updated their cover photo.

December 19, 2014 ·





Like · Comment · Share

3 people like this.



Write a comment...



Tvpad

December 9, 2014 ·

Zhou Xun is China's favorite celebrity. But who did she beat for that title? And who are China's least favorite celebrities? Click to read more.



Zhou Xun Crowned China's Favorite Celebrity

It is official; the people's favorite in China is Zhou Xuna. In an international fan based survey to crown China's "most favorite star," the beautiful actress was the

TVPAD.COM

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Tvpad

December 9, 2014 ·

Are you doing your part to help Psy reach 9,223,372,036,854,775,808 views? This is the new view limit on YouTube after Gangnam Style reached the previous limit of 2,147,483,647.



PSY - GANGNAM STYLE (강남스타일) M/V

YOUTUBE.COM

Like · Comment · Share



Tvpad

December 5, 2014 ·

Throat cancer be darned, John Woo is back! #TheCrossing just premiered in China, performing well at the box office.



New John Woo Film

Fans of John Woo's films have been waiting for several years for the release of his last movie, The Crossing. After battling throat cancer for several years, the renowned director has returned to

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 Nelson Liu likes this.



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2014

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Tvpad

October 30, 2014 · 🌐

Who would have expected an Aussie to become a celebrity in South Korea? Learn another language and maybe you can be an expat celeb too!

....maybe



Australian Sam Hammington Makes It Big In South Korea

He is one of the biggest stars in South Korea, known for both his comedy and for his presence in reality TV. He recently married his long-time girlfriend in front of a...

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Tvpad

October 28, 2014 · 🌐

New #Disney movie "Big Hero 6" tries to appeal to Japanese audiences, but with the success of #Frozen (3rd highest grossing box-office of all-time), do they really even need to try?



How Japanese is Disney's Latest Movie, 'Big Hero 6'?

Director Don Hall called Disney's "Big Hero 6" movie "a love letter to Japan," but how much of the film will feel recognizable to Japanese audiences?

BLOGS.WSJ.COM | BY JOHN D

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Tvpad

October 23, 2014 · 🌐

ALERT: Australian Tvpad fans, you MUST try to go to the #StudioGhibli Showcase and tell us ALL about it because none of us can make it out there. We're jealous.



The Studio Ghibli Showcase in Australia

There is something special going on in Australia other than the anticipated arrival of spring. For three months film lovers of the fun and fantastical will be treated to a special film tour. The

TVPAD.COM

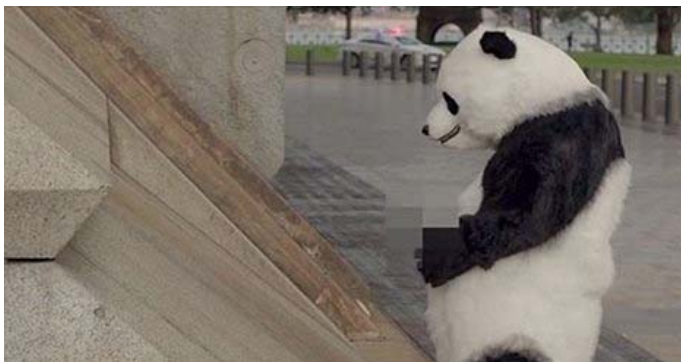
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Tvpad

October 22, 2014 · 🌐

People who saw this: did you find it funny? Or did it offend you?



Controversial Panda PSA Taken Off-Air — CCTV

PSA or public service announcements are meant to be informative and helpful, but no one is quite sure what to make of one such ad that ran on CCTV last week. The

funny PSA ad has Australians
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Tvpad

October 16, 2014 ·

#tbt to when they were not yet legends, but legends in the making.
Jackie Chan and Sammo Hung—martial arts film icons in 1985's "Heart of Dragon"



Like · Comment · Share



Tvpad

October 9, 2014 ·

Our 2014 Asian Games recap is here.

The 2014 Asian Games

The Asian Games were recently held in the beautiful South Korean port city of Incheon. Featuring 439 exciting events in 36 different sports, this was the third time the games were held in South

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I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Davis Wright Tremaine, LLP, Suite 2400, 865 South Figueroa Street, Los Angeles, California 90017-2566. I am familiar with the practice at my place of business for collection and processing of correspondence for overnight delivery by Federal Express. Such correspondence will be deposited with a facility regularly maintained by Federal Express for receipt on the next business day.

On May 22, 2015, I served the following document **PLAINTIFF'S REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION; DECLARATION OF CARLA A. MCCAULEY AND EXHIBITS A THROUGH E** by placing a **true copy or original** in a separate envelope for each addressee named below, with the name and address of the person served shown on the envelope as follows:

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and by sealing the envelope and placing it for collection and delivery by Federal Express with delivery fees paid or provided for in accordance with ordinary business practices.

Executed on May 22, 2015, at Los Angeles, California.

☒ Federal I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Tania M. Moore
Print Name


Signature

SERVICE LIST

| | |
|---|--|
| Francis S. Ryu, Esq. Ryu Law Firm 5900 Wilshire Blvd., Suite 2250 Los Angeles, CA 90036 | Attorney for Club TVpad, Inc. and Bennett Wong |
| Timothy Wang Ni, Wang & Massand, PLLC 8140 Walnut Hill Lane, Suite 500 Dallas, TX 75231 | Attorneys for newTVpad Ltd. Co. d/b/a newtvpad.com a/k/a TVpad USA AND Liangzhong Zhou |
| Hua Yang International Technology Ltd Room 19c, Lockhart Rd., 301-307 Lockhart Rd., Wan Chai, Hong Kong, China | |